

KEN CALVERT  
42ND DISTRICT, CALIFORNIA

WASHINGTON OFFICE:

2205 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0542  
(202) 225-1986  
FAX: (202) 225-2004

DISTRICT OFFICE:

400 SOUTH VICENTIA AVENUE  
SUITE 125  
CORONA, CA 92882  
(951) 277-0042  
FAX: (951) 277-0420



UNITED STATES  
HOUSE OF REPRESENTATIVES

March 4, 2019

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:

CHAIRMAN  
INTERIOR, ENVIRONMENT AND RELATED AGENCIES

VICE CHAIRMAN  
DEFENSE

APPROPRIATIONS LIAISON TO HOUSE INTELLIGENCE  
COMMITTEE

ENERGY AND WATER DEVELOPMENT

WWW.CALVERT.HOUSE.GOV  
FACEBOOK.COM/REPKENCALVERT  
@KENCALVERT

Ms. Rebecca Spencer  
Registrar of Voters  
County of Riverside  
2724 Gateway Drive  
Riverside, CA 92507

Dear Ms. Spencer,

As you know, the 2018 primary and general elections were the first statewide California elections in which the practice known as ballot harvesting was permitted under state law. To be clear, I am referencing the changes to Section 3017 of the California Election Code made by the enactment of AB 1921 by the California legislature and Governor Jerry Brown in 2016.

AB 1921 repealed provisions of existing state law that prohibited a vote by mail ballot from being returned by a paid or volunteer worker of a general purpose committee, controlled committee, independent expenditure committee, political party, candidate's campaign committee, or any other group or organization at whose behest the individual designated to return the ballot is performing a service. It permits a vote by mail voter to designate any person to return the ballot.

The new law does prohibit a person designated to return a vote by mail ballot from receiving any form of compensation based on the number of ballots that the person has returned, and an individual, group, or organization shall not provide compensation on this basis. Any person in charge of a vote by mail ballot and who knowingly and willingly engages in criminal acts related to that ballot, including, but not limited to, fraud, bribery, intimidation, and tampering with or failing to deliver the ballot in a timely fashion, is subject to the corresponding punishment.

Beyond these compensation and fraud related restrictions, the new law is silent on many other aspects of ballot harvesting practices. Election law changes are a major focus of House Speaker Nancy Pelosi and the Democrat majority in the House of Representatives. In fact, H.R. 1, is a comprehensive bill affecting many provisions of federal election laws and would have a sweeping impact on our elections. Given the importance of these issues, I would like to seek clarification from you as Riverside County's top elections official on how you interpret and are implementing California's new ballot harvesting law.

- 1) When an individual obtains a vote by mail ballot from a voter and is designated to return it on their behalf, are they required to provide their name, the name of the organization

they are working on behalf of or any other identifying information to the voter who is turning over their ballot?

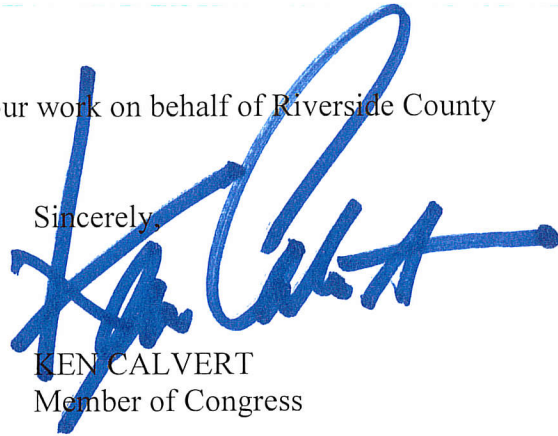
- 2) Are individuals who collect vote by mail ballots from voters required to document the ballot's chain of custody in any way?
- 3) If an individual collects a vote by mail ballot from a voter, are they permitted to turn over that ballot to another individual or organization before it is returned to an authorized voting location?
- 4) If it is clear that a vote by mail ballot is being dropped off by a person other than the voter – e.g. the person is dropping off more than one ballot – and the envelopes are not signed by the third party, is that documented and is the ballot counted?
- 5) What identifying information does the Riverside County Registrar of Voters collect from an individual who delivers vote by mail ballots on behalf of other voters?
- 6) Does the Riverside County Registrar of Voters document and maintain a list of persons who collect and submit vote by mail ballots for others? If such a list is created, is it subject to public disclosure?
- 7) Is there a numerical threshold in terms of numbers of vote by mail ballots turned in by an individual that triggers an identification requirement? i.e. Is an individual turning in 10 vote by mail ballots required to submit and disclose their personal information? An individual turning in 100 vote by mail ballots? An individual turning in 1,000 vote by mail ballots?
- 8) What are the eligibility qualifications for an individual who collects and returns vote by mail ballots? Do they have to be an eligible voter?
- 9) Are non-California residents eligible to collect and return vote by mail ballots?
- 10) Are non-citizens eligible to collect and return vote by mail ballots?
- 11) Are foreign nationals in the United States eligible to collect and return vote by mail ballots?
- 12) Is there a maximum limit or cap on the number of vote by mail ballots an individual is allowed to collect and return?
- 13) AB 1921 indicates it is unlawful for individuals collecting vote by mail ballots to fail “to deliver the ballot in a timely fashion.” What do you consider to be a timely fashion to return a vote by mail ballot once an individual collects it from a voter?
- 14) Is a political campaign, including paid staff, allowed to collect and return vote by mail ballots?

- 15) Is a non-profit organization allowed to collect and return vote by mail ballots?
- 16) Are businesses, including corporations, allowed to collect and return vote by mail ballots?
- 17) Is a labor union allowed to collect and return vote by mail ballots?
- 18) Is a church allowed to collect and return vote by mail ballots?
- 19) AB 1921 makes it unlawful for anyone to provide any form of compensation based on the number of vote by mail ballots collected and returned. Are there any other restrictions on compensating individuals collecting and returning vote by mail ballots?
- 20) Are campaigns permitted to hire private outside vendors to conduct vote by mail ballot collection and return activities so long as they do not provide compensation based on the number of ballots collected?
- 21) Are individuals collecting vote by mail ballots required to disclose to the voter turning over their ballot if they are collecting ballots on behalf of an organization or campaign?
- 22) Are individuals collecting vote by mail ballots required to disclose to the voter turning over their ballot if they are being compensated to collect ballots?
- 23) How can a voter that turned over their vote by mail ballot to an individual who indicated they would return it verify whether or not the ballot was returned?
- 24) If a voter that turned over their vote by mail ballot to an individual who indicated they would return it believes the ballot was not submitted in a timely fashion as required by law, what recourse do they have?
- 25) You currently document and make public whether a voter cast a ballot in an election and, if they did vote, which method the voter used to cast a ballot. Do you have a new category to document ballots cast utilizing the ballot collection methods authorized by AB 1921?
- 26) When vote by mail ballots are returned by an individual, what procedures do you and your staff follow to ensure the ballots were not tampered with?
- 27) If physical evidence, such as opened and taped envelopes or a high frequency of spoiled ballots, was present in a batch of vote by mail ballots returned by an individual, what steps would you take?

I know you share my goal of protecting the integrity and confidence in our elections process. I would appreciate responses to these questions and any additional information you would like to provide to my office in the near future.

Thank you for your attention to this matter and your work on behalf of Riverside County residents.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ken Calvert', with a large, stylized flourish extending from the end of the name.

KEN CALVERT  
Member of Congress